

HAMPTON PLANNING BOARD

DRAFT MINUTES

July 1, 2020 – 7:00 p.m.

PRESENT: Tracy Emerick, Chair
Ann Carnaby, Vice Chair
Alex Loiseau, Clerk
Fran McMahan
Mark Olson
Keith Lessard
James Waddell, Selectman Member
Jason Bachand, Town Planner
Laurie Olivier, Office Manager/Planning

ABSENT:

I. CALL TO ORDER

Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic, and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, in order to properly ensure the safety of the public and that of several of the Board members who are within the CDC guidelines needing to take special precautions, this body is authorized to meet electronically. Please note there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, Chairman Emerick is confirming that the Planning Board are: Utilizing a teleconference service for this electronic Meeting. The Public may join the teleconference by calling toll free 1-857-444-0744 and using the code 156034. If anyone has a problem, please call 603-929-5805.

Mr. Emerick commenced the meeting by introducing the Planning Board members.

Mr. Emerick read the Governor's State of Emergency criteria regarding the meeting being held telephonically. Prior to the meeting, the Planning Office gave information to residents/applicants on how to access the meeting electronically.

Attendance was taken, and it was stated who was in the room. Planning Board member, Ann Carnaby, and Office Manager, Laurie Olivier. were home; no one was present with them. All other Board members and Town Planner, Jason Bachand were present in the Selectmen's Meeting Room. It was noted that all votes will be taken by roll call.

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II. ATTENDING TO BE HEARD

- **Change of Use – 13 High Street
Sticker Cabana Store to Smoothie Shop**

Mr. David Burns was on the line. He described the project. He will be selling smoothies.

The business will be called “Hampton Nutrition”. He is hoping to be open 7:00 a.m. to 3:00 p.m., seven days a week. Healthy smoothies and energizing drinks will be offered. Smoothies will be less than 245 calories with a lot of vitamins and minerals.

BOARD

Mr. Bachand said the proposed sign will need to be addressed. They will likely need the Board of Selectmen approval if the sign overhangs the public sidewalk.

Ms. Carnaby asked about ‘nutrition’ – will it expand to other products or just be smoothies to be consumed there. Just smoothies to be consumed there per Mr. Burns.

MOTION by Mr. Lessard to approve the Change of Use.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 - 0

MOTION PASSED.

III. NEW PUBLIC HEARINGS

20-030 28 Pearl Street

Map: 223 Lot: 20

Applicant: Roy and Andrea Woods

Owner of Record: Same

Wetlands Permit: Replace the current permeable driveway with permeable pavers

Mr. Roy Woods spoke. They want to replace their current patio with permeable pavers. He discussed 25’ to a buffer of 6’ off the median of the road. He noted walk space to the front door. They went through the Conservation Commission recommendations letter dated June 24, 2020; they have a copy of the letter and they are fine with what is proposed.

BOARD

PUBLIC

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MOTION by Mr. Lessard to approve the Wetlands Permit with stipulations in the Conservation Commission letter dated June 24, 2020.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

20-031 16 L Street

Map: 293 Lot: 34

Applicant: 158 Ashworth Avenue, LLC

Owner of Record: Same

Site Plan: Convert existing residential structures into a commercial restaurant. Proposed site improvements include patio area with seating and an antique trailer to be permanently located on site.

Waiver Request: Section V.E. Detailed Plans

Attorney James Scully telephoned in. He is with Henry Boyd of Millennium Engineering. When they first looked at this project, they thought they would need variance relief. The intent of this restaurant is for a southwestern-themed appearance. Putting a trailer (antique) into the back portion of the front building was discussed. They feel this creates a southwestern theme. A variance is not needed as long as the trailer is affixed to the structure(s). It will be at flood elevation 10 or greater. James Marchese, the Building Inspector, confirmed this.

This area of the beach is expanding from residential to commercial. This use is permitted in this Zone. It was a beach cottage in the past. They reduced sealed surface to conform with our Zoning Ordinance.

They read the comments from Jason Bachand, Town Planner and have no comments or problems with them. Jennifer Hale, DPW, also provided comments. They have no problems with the comments and feel all issues can be addressed.

BOARD

Mr. Olson asked if the rear building was being demolished. Attorney Scully said it will expand out to the westerly side. The existing building in the rear is going to still be there. It will be converted into seating/bar area in the back. There will be a small patio. The trailer is the only proposed change.

Mr. Emerick asked if both structures are staying - it was stated “yes”.

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Mr. Olson asked about the ADA ramp; it looks like it takes going into the building to get to the ramp. Attorney Scully said there is going to be garage doors. The ADA ramp will remain open for access for all open hours for the restaurant.

Ms. Carnaby asked about the front house and the southwesterly-style drawings – she asked Mr. Bachand about this in the past. The front building looks as though the main floor is up 5 or 6 steps from rest of the level land of the property. The pictures of the new building do not seem to indicate this.

Mr. Bachand said they are converting the existing structures.

Henry Boyd, Millennium Engineering, phoned in. He noted the existing floor is substantially higher – about 5' higher. There will be a transition inside of the building. It was noted the proposed pre-pictures looks like you access from the front. It may be an internal building question. Attorney Scully said the interior will be changed. They want to eliminate the first floor so you walk in at the floor elevation. It is the only way the trailer will work. It has to be 10'1" above. Ms. Carnaby wants to know if this is important for the Board to know before approving this application. Mr. Bachand agreed that this should be clarified. Mr. Olson said it meets FEMA requirements.

Mr. Lessard asked how people will get into the front structure. Ms. Carnaby wants to see how it will work. If they are going to gut the front building and move the floor down 5'. If that is the plan, it looks like it is a main portion of the restaurant and we (Planning Board) should know that.

Ms. Carnaby asked if cooking will be done in the Airstream. Attorney Scully discussed ventilation. His assumption is cooking would not be done within the trailer. Mr. Scully thinks the rear building on the left side is where the cooking will be. Ms. Carnaby asked about a stove. Attorney Scully it will be with the rest of the kitchen equipment. Ms. Carnaby said the Board is not being shown this information. There is a lot of missing information to address, per Ms. Carnaby.

Mr. Olson discussed the sign 6' x 6' – it cannot overhang was asked.

Hours of operation will be 11 a.m. to 1:00 a.m., seasonal for now. Attorney Scully thinks outside seating will occur later on. It would comply with the Town Zoning Ordinance.

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Lori Lacroix, 25 K Street telephoned in. She wants to know if the restaurant is already approved. Mr. Emerick said that is what this process is. She is concerned about noise; they are about 8' away. She asked about music and the time limit (hours).

Information on noise is on the website per Mr. Waddell. Ms. Lacroix noted it will go up against their bedroom. They bought the property last year and hoped to rent it out. Having music right next to them is very concerning. She asked also about the dumpster, including noise from the dumpsters.

She asked if a privacy fence would have to be put up. Mr. Emerick said the Planning Board has no stipulation on this.

Mr. Lessard asked about how the sound will be handled on the site and understands Ms. Lacroix wants to know this. Mr. Bachand said the applicant should provide more information. Ms. Lacroix said she is worried about live music. It is 11:00 p.m. (closing time) during the week and 12:00 a.m. on the weekends.

On the plans, the bathrooms are located at the rear of the building. Mr. Olson said some of the rooms are walk-in freezers. Isolating the noise was discussed. Ms. Lacroix can hear music until 11 or 12 at night. Other places were there when they bought the place; right next to them is a different story. Unfortunately or fortunately, per Mr. Emerick, this is about what our zoning allows.

Ms. Carnaby discussed trash and recycling, proposed fencing between 16 L Street, and hanging signs. These issues were brought up in Jen Hale's (DPW) memo (which is attached to the Planner's Memo); she noted they will need to be addressed. Especially in lieu of public comments right now. The answers should be worked out before we approve this application.

BOARD

Mr. McMahon asked about architectural review by the Beach Commission. Mr. Bachand is not sure whether they have or will need to look at this. He knows they review the larger condominium buildings. He will reach out.

Mr. Bachand discussed his memo, which was provided to the applicant.

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Mr. Bachand discussed the comments from the DPW. Trash is a major concern. Also, signage, sewer, and fencing. These issues will need to be addressed.

He was concerned about the apartments on each side; how this project fits into the location. There are similar (commercial) uses in this area.

This project will have to go through the 41:14-a. He spoke about Deed Restrictions 2, 3 and 4 per input provided by Attorney Gearreald.

This is located in Zone AE, Elevation 9 – is it a “substantial improvement” per FEMA was asked.

Mr. Bachand thinks the application should be continued to get more information. He noted that it is a permitted use.

Mr. Emerick asked whether this is allowed (due to deed restrictions). As long as relief from the deed restrictions is sought and granted before the site plan is recorded, it is fine per Mr. Bachand. This is included in his memo. He recommends the Board continue this for two more weeks to get more information.

Mr. McMahon asked about the sign; is it illuminated. Attorney Scully said it should be similar to the GOAT sign; one light shining at it. He can address the concerns of the abutter now or we can continue.

Trash and recycling was asked about. Attorney Scully said it is like Wally’s; trash is trucked out. No dumpster will be on site.

Refuse and recycling - where would it be collected was asked. Some distance from the ADA ramp toward the front on the side portion. Eating was to be set back from that side. Empty space is on one side. People should come in the front and pass to the rear of the building. Mr. Lessard asked about wheelchairs. Attorney Scully will get that information.

MOTION by Ms. Carnaby to continue this application for two weeks and make a list of all the issues we are discussing to make sure that next time they are all addressed.

SECOND by Mr. Lessard, but he wants the applicant to answer questions for the abutter.

Attorney Scully said Al Fleury is sympathetic to noise down there. That is why this design was chosen. Leaving the back building considerably higher was discussed. It is not planned to be a concert hall; maybe a person on a guitar; it would be seasonal. They would

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honor the Town Ordinance. They are in a Zone where this is permitted. It permits music to be played.

Attorney Scully discussed the deed restrictions; he spoke with Attorney Gearreald and Mr. Bachand. Should there be conditions of approval, they are happy to go forward with that process.

Attorney Scully said he is fine with continuing this for two weeks. Transformers were asked about. Mr. Bachand does not know – refrigeration, compression, air conditioning, etc.

Mr. Bachand noted the Board waived the PRC process for this application. He said the Board does have the discretion to send this to PRC if it wishes to do so. Mr. Emerick does not think that this is major. Mr. Olson noted the HBAC should be included on this project; we have respect for that Commission as well. Mr. Bachand will inform them.

MOTION was made above by Ms. Carnaby.

SECONDED by Mr. Lessard (and noted to continue the application to the July 15th meeting).

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

20-032 Bonnie Lane & 134 Little River Rd.

Map: 164 Lot: 3A (Little River Rd)

Applicant: Aquarion Water Company of NH

Owner of Record: Same (Bonnie Lane) & Paul & Martha Leary (134 Little River Road).

Lot Line Adjustment: Transfer 30,076 s.f from Leary Parcel (134 Little River Road) to Aquarion Water Company (Bonnie Lane Property).

Waiver Request: Section V.E. - Detailed Plans.

Mr. Henry Boyd, Millennium Engineering, was on the phone. It was noted Attorney Scully left the room. Mr. Boyd discussed the plan. Bonnie Lane is a separate parcel. There is no Map and Lot number. It is owned by the Aquarion Water Company. It abuts the Leary parcel. That parcel goes down 400'. The intent is to convey Parcel A of the Leary piece to Bonnie Lane. The Leary parcel will have remaining area of 1.94 acres. Once Parcel A is added to Bonnie Lane, it will be 1.14 acres. Aquarion mistakenly placed utility lines onto the Leary parcel. They negotiated an easement. Northeast area, Aquarion will grant a reciprocal easement for access to Leary. No plans are in place for further development of Aquarion or Leary's per Mr. Boyd. They want to be beneficial to one another. Leary's may seek a building permit later on – they want to make sure they have ability to get through there with utilities, etc. There is not enough room for an adequate driveway on the Leary property. Mr. Boyd said at this point there is no planned use.

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Mr. Bachand mentioned an earlier plan that showed a 400-foot well radius across the other Leary parcel. That easement is no longer under consideration per Mr. Boyd.

BOARD

Mr. McMahon asked about the well. He cannot tell the radius on the plan. Mr. Bachand believes it does not have to be within their property.

PUBLIC

Cynthia and Bill Heggie telephoned in. They live at 138 Little River Road. They abut both the Bonnie Lane and the side by the Leary's. They discussed the 12' access as well as abutters to Parcel A of the Leary's land. It is around the access. There is security not allowing people traffic. She wants to know about the future intent that Leary's may have regarding the land behind them and since the current access area is small, is there intent to move the security gate and allow more than walking to the back lot. What is their plan was asked.

Mr. Boyd said they have no intended use. At some point, they may sell the lot and get a nice house out there but at this point there is no plan. This is now a courtesy to convey land to Aquarion. They could build a driveway there now, but it would be narrow and not safe.

Will the security gate remain where it is at this point was asked. The perimeter around the potential well will be granted to them. Yes, per Mr. Boyd.

In the area to be granted to Aquarion, will there be clearing was asked by Ms. Heggie. Mr. Boyd said he believes 'no'. The edge of the access easement was discussed.

Mr. Bachand said the 400-foot well radius should be shown on the plan.

Mr. Olson asked about a 12' wide lane that could be built. Is there frontage on Little River Road. 19'+ wide if followed to the end. The old description was discussed.

MOTION by Mr. Lessard to approve the waiver.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 - 0.

MOTION PASSED.

MOTION by Mr. Lessard to approve the Lot Line Adjustment along with the stipulations in the Planner's Memorandum dated July 1, 2020.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 - 0

MOTION PASSED.

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IV. CONTINUED PUBLIC HEARINGS

V. CONSIDERATION OF MINUTES of June 17, 2020

MOVED by Mr. McMahon to accept and approve the June 17, 2020 Minutes.

SECOND by Mr. Olson.

ROLL CALL VOTE 7 – 0 – 0

MOTION PASSED.

VI. CORRESPONDENCE

VII. OTHER BUSINESS

- **Proposed Modification to PRC Process**

Mr. Bachand discussed that he and Ms. Olivier have worked on updating and revising the PRC Administrative Procedures. We have recently found that some applications are being submitted and the plans are not complete. It was felt that members were wasting their time reviewing applications that were not ready for a constructive review at a PRC meeting.

There were other adjustments made as well. Ms. Olivier said it is a good time to clean it up since the other adjustment/amendment needed to be made.

If the Board is fine, we would like to revise this.

Ms. Carnaby said she is confused by the PRC process. She thinks it is appropriate for a set of recommendations coming out of each PRC with concerns and what should be done, which should then go to the Planning Board. It should come separately from the Planner's Memo where he incorporates these comments now. It would be cleaner, more specific. For a PRC report. That way, the Planning Board can go through it and use it. It was noted we send our PRC minutes to the Planning Board. Ms. Olivier noted that we can also send DPW comments and our Consulting Engineer's comments to the Planning Board, if they wish. We will try to remember to do this in the future.

The consensus of the Board is to move forward with the changes.

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VIII. ADJOURNMENT

MOTION by Mr. McMahon to adjourn.

SECOND by Mr. Olson.

ROLL CALL VOTE: 7 – 0 – 0

MOTION PASSED.

MEETING ADJOURNED: 8:05 p.m.

Respectfully submitted,

Laurie Olivier, Office Manager/Administrative Assistant

****PLEASE NOTE****

ITEMS NOT CALLED OR IN PROGRESS BY 10:00 P.M.

MAY BE CONTINUED TO THE NEXT SCHEDULED MEETING